

Requirement for Missouri First Executive Order

Definition of Missouri Product: goods or commodities, which are manufactured, mined, produced or grown by companies in Missouri, or services provided by such companies in Missouri. OA/PMM has determined that if the company has a presence in Missouri, they will be treated as a Missouri firm. Presence must be an actual office or location operating in the state but does not mandate a headquarters operating in Missouri.

Definition of Lowest and Best: an award decision made by the government where cost and other factors are considered in the evaluation process. Methods include: low bid meeting specifications/requirements; qualified products list; low bid with no bad references; subjective criteria bids using value, performance and quality of product (subjective criteria weights must be stipulated in the solicitation document).

Executive Order Requirements:

1. Agencies shall purchase a Missouri product unless it is determined that the value (including, but not limited to price, performance and quality) of the Missouri product does not meet the needs of the user.
 - a. Local delegation: Agencies must properly document the need of the items and requirements being purchased. Statutes require competitive bids on purchases in excess of \$3,000.00. Missouri products/services must be purchased unless it is determined that the value (including, but not limited to price, performance and quality) of the Missouri product/service does not meet the needs of the user. Competitive bids using subjective criteria under the local delegation may utilize the method described by the DPMM and evaluate economic impact as described in this document.
 - b. PMM Procurements: The Division of Purchasing and Materials Management has developed a matrix that will be used to determine Missouri First Executive Order opportunities. The matrix is attached to this document.
2. The Commissioner and other agencies may consider the economic impact to the State of Missouri for Missouri products versus the economic impact of products generated from out of state. This economic impact may include the revenues returned to the state through tax revenue obligations.
 - a. OA/PMM will not implement a preference policy that would affect Missouri product/service providers doing business with other state governments similar to Missouri statute 34.076. Therefore, there will be no specific preference given for Missouri products.

- b. OA/PMM will utilize subjective criteria functionality, to implement economic impact considerations by incorporating the following questions in Scope of Work, Contractor Support, or pertinent sections of the evaluative criteria.
 1. Provide a description of the proposed services that will be performed and/or the proposed products that will be provided by Missourians and/or Missouri products.
 2. Provide a description of the economic impact returned to the State of Missouri through tax revenue obligations.
 3. Provide a description of the company's economic presence within the State of Missouri (e.g., type of facilities; sales offices; sales outlets; divisions; manufacturing; warehouse; other), including Missouri employee statistics.
 - c. The evaluator or evaluation committee shall consider the economic impact in the overall subjective evaluation of the criteria.
3. The Commissioner of Administration shall make efforts to identify and give notice of state government bidding opportunities to Missouri Manufacturers or service providers. The Commissioner shall provide a listing of Missouri products and access to such listing to all state government and other interested parties. The Commissioner shall ensure state agencies follow the requirements of the Buy Missouri Products First Executive Order.
 - a. OA/PMM currently places notice on its website for all procurements issued by this office. We have also included bids by the Department of Revenue on our site. In addition, we have provided links to other agency bid sites. Agencies must submit links of potential bid opportunities so we may post on OA/PMM's web site. In addition, it is the responsibility of the agency to ensure bidding opportunities are made available to Missouri manufacturers or service providers for procurements under their delegation of authority.
 - b. OA/PMM will provide a listing showing Internet links of organizations representing Missouri manufacturers and service providers on its website. A section under "Show Me" will identify "where to find Missouri product and service providers". This link will take the user to a screen identifying links identifying the above. This site shall not be used to identify individual companies. It is intended only to provide notice of organizations representing Missouri manufacturers and service providers.
 - c. OA/PMM shall incorporate the Buy Missouri Products First Executive Order requirements in its delegation of authority. In addition, the OA/PMM shall review agency performance in its procurement audits (dependent upon resource availability).
4. State government agencies shall make a good faith search of Missouri companies that provide Missouri Manufactured products or services.
 - a. Missouri vendors must be used if sources available to serve the needs of the agency.

- b. OA/DPMM will provide website links to organizations of Missouri manufacturers and service providers.
- 5. Upon request of the Missouri Company, the agency shall prepare a written explanation within 20 days of the award explaining why the Missouri manufacturer or service provider did not receive the award.
 - a. The open records statute identifies that all records must be made available to the public. (RFQ/IFB upon opening date; RFP upon award).
 - b. For bids awarded via low bid meeting specification, the abstract of responses (must include determination of responsiveness) shall be used as an explanation of the award decision.
 - c. For bids awarded via subjective evaluation, the evaluation report shall be used as an explanation of the award decision.